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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,406	07/10/2001	Makoto Shigehara	14767	8250
7590	05/12/2005		EXAMINER	
Paul J. Esatto, Jr. Scully, Scott, Murphy & Presser 400 Garden City Plaza Garden City, NY 11530			NGUYEN, PHUOC H	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/902,406	SHIGEHARA, MAKOTO
	Examiner Phuoc H. Nguyen	Art Unit 2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 February 2005.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Response to Amendment*

This office action is in response to the amendment filed on February 25, 2005. Previous office action contained claims 1-20. Applicant amended claims 1-20. Amendment filed on February 25, 2005 have been entered and made of record. Therefore, pending claims 1-20 are presented for further consideration and examination.

### *Response to Arguments*

Applicant's arguments filed February 25, 2005 have been fully considered but they are not persuasive.

The applicant does not clearly and exactly point out the features/limitations in the claimed invention that the Boys's reference is missing or failing to disclose. Rather, the applicant argues generally for claims 1-20 that the Boys' reference fails to disclose or suggest the step of obtaining content of events, and providing the content on an as-requested basis to a user for access at anytime nor is the Boys' reference concerned with obtaining content of an event, such as an audio or video recording, in response to a request from a user that is exhibited before the event.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., providing the content on an as-requested basis to a user for access at anytime, and in response to a request from a user that is exhibited before the event) are not recited in the rejected independent claims.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Claim Objections***

Claim 1 second limitation is objected to because of the following informalities:

Applicant stated that “means, responsive to the event information obtaining means, for posting...” but does not disclose what that means is, based on the context of claims the means is referring to posting. For examination purposes, examiner treated means as the posting means. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Boys U.S. Patent 6,516,340.

3. Regarding claims 1-4, Boys teaches a system for providing event information (e.g. lecture meeting, figure 3) comprising: event (e.g. lecture) information obtaining means for

obtaining content, including at least one of an audio and video recording, of at least one event information in an event place (e.g. on-line class), and for obtaining accompanying information regarding the at least one event (e.g. server 19 stores deliverable lectures A-N, wherein material for lecture can be presented in audio and video format) (Figure 4; col. 2 lines 20-23; col. 5 lines 57-65; col. 12, lines 9-22; and col. 13 2<sup>nd</sup> paragraph); posting means, responsive to the event information obtaining means, for posting the accompanying information regarding the at least one event on a web page (e.g. server 19 is posting the lecture material on the internet for student or recipient to access) (Figure 4; col. 12 lines 9-22); request information for means for receiving a request for the content from an information user via a web browser (e.g. Lecture recipients access the internet to obtain or select the lecture material at any convenient time) (col. 9, lines 53-59; and col. 12 lines 30-33); and event information providing means for, in response to the request from the information user received by the request information (Figure 4, Lecture server 19 providing a lecture to the lecture client or recipient based on the lecture or lesson plan from the lecture client) receiving means, providing the content obtained by the event information obtaining means to the information user via the web browser and through a signal transmission path (Figure 4, Lecture server providing a lecture to the lecture client or recipient based on the lecture lesson plan from the lecture client, wherein all this take place in the internet) (col. 12, lines 9-35).

4. Regarding claims 5,6,13, and 14, Boys teaches information acquiring means for acquiring information, including at least a subject and data, regarding a plurality of events which take place in event places (e.g. server 19 stores deliverable lectures A-N, wherein material for lecture can be presented in audio and video format) (Figure 4; col. 2 lines 20-23; col. 5 lines 57-65; col. 12,

lines 9-22; and col. 13 2<sup>nd</sup> paragraph); means for posting, on a web page, the information regarding the plurality of events (e.g. server 19 is posting the lecture material on the internet for student or recipient to access) (Figure 4; col. 12 lines 9-22); and information delivering means for delivering, to a user, via a web browser, the information regarding a selected one of the plurality of events, which the user selects, via the web browser, from among the information regarding the plurality of events obtain by the information acquiring means (Figure 4, Lecture server19 providing a lecture to the lecture client or recipient based on the lecture or lesson plan from the lecture client) (col. 12, lines 9-58).

5. Regarding claims 7 and 15, Boys teaches the information regarding the selected one of the plurality of events includes information acquired on the basis of the desired selection received from the user before the opening of the selected one of the plurality of events and information acquired on the basis of a judgment of a content provider of the selected one of the plurality of events (col. 9, lines 53 through col. 10, lines 26; and col. 12 lines 30-35).

6. Regarding claims 8 and 16, Boys teaches user desire acquiring means for receiving a desire of acquisition from the user before the opening of the selected one of the plurality of events (col. 9, lines 53 through col. 10, lines 26).

7. Regarding claims 9 and 17, Boys teaches disclosure information selecting means for selecting information the user desires to disclose (col. 9, lines 53-59).

8. Regarding claims 10 and 18, Boys teaches the information relates to at least a subject and date of the selected one of the plurality of events (Figure 4, lectures A-N)

9. Regarding claims 11, and 19, Boys teaches the information is concerned with medical treatments (e.g. lecture) (Figure 4, lectures A-N).

10. Regarding claims 12 and 20, Boys teaches the selected one of the plurality of events relates to a lecture meeting, an academic meeting, or an exposition (Abstract; Figures 3 and 4).

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

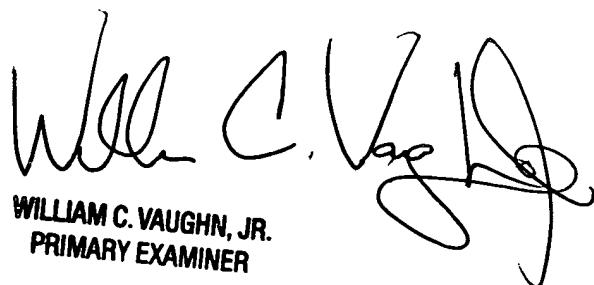
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H Nguyen  
Examiner  
Art Unit 2143

May 9, 2005



WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER